

Iain Smith & Partners WS privacy notice

What we need

Iain Smith & Partners, WS, will be a "controller" of the personal information that you provide to us when you instruct us to act on your behalf and unless otherwise stated in this privacy notice.

Your personal data:

When you become a client of Iain Smith & Partners, WS, we will collect, store and use the personal information that you provide to us in your instructions and during the course of our solicitor / client relationship. We may ask you for additional personal information during the course of our client / solicitor relationship, which shall be collected, stored and used in accordance with this privacy notice.

We also collect, store and use the following personal information relating to you when you become our client from external third parties, to include, for example, Accountants, Estate Agents, Financial Advisors, other Solicitors, Banks, Lenders, Financial Institutions, Insurance Companies, search providers, fee assessors, credit reference agencies and other people you know personally for example, family members, friends and people financially linked to you. This will include salaries, pensions, dividends, all other income, information required to assess your financial eligibility or to assess your financial ability to meet current or future obligations, information about money, information about money you owe, could owe or your assets and liabilities. This can also include individuals and organisations who are our clients in circumstances where you are a party to or we are instructed, for example witnesses, beneficiaries, guarantors, buyers, sellers, pursuers, defenders, debtors, employees and employers.

This can also include information about bankruptcy, ownership of land and property, identification verification information and information held by courts, independent agencies and social work.

We can also collect information from correspondence provided to us by you. Please therefore ensure this is accurate, complete and not misleading. Please ensure that if your information changes you update us accordingly.

Why we need your personal information– contractual purposes

We need to collect our clients' personal information so that we can perform our services for you. We will use our clients' personal information to:

- provide you with legal advice, including for example, by communicating with you by email, letter and/or telephone, etc. In order to enable us to carry out those services to you;
- confirm and verify your identity;
- represent you as your solicitors in connection with the legal work you have instructed us to carry out on your behalf;
- respond to and communicate with clients regarding your questions, comments, support needs or complaints, concerns or allegations in relation to investigate your complaint, take disciplinary action, etc;
- provide you with legal advice and process payments as a result of same;
- keep our records;
- check for potential conflicts of interests;

- comply with Money Laundering and Terrorist Financing regulations;
- prevent and detect crime, corruption and fraud in terms of these regulations;
- meet and understand your needs;
- for business clients - carry out due diligence in terms of Money Laundering regulations.

If you do not provide us with all of the personal information that we need to collect then this may affect our ability to provide you with legal advice and / or represent you as your solicitors

Why we need your personal information – legitimate purposes

We also process our clients' personal information in pursuit of our legitimate interests to:

- promote our services by sending clients communications with information for upcoming events and legal updates;
- invite our clients as guests to our events; and
- Promote our services, for example by sending you communications in relation to Estate Agency.

Where we process your personal information in pursuit of our legitimate interests, you have the right to object to us using your personal information for the above purposes. If you wish to object to any of the above processing, please contact us on 01896 752231.

If we comply with your objection, this may affect our ability to undertake the tasks above for the benefit of you as a client.

Why we need your personal information – legal obligations

We are under a legal obligation to process certain personal information relating to our clients for the purposes of complying with our obligations under:

- the Law Society of Scotland requirements for solicitors;
- Anti-Money Laundering and Terrorist Financing Regulations which require, in certain circumstances, data information to be disclosed to the National crime Agency; and
- The Scottish Legal Complaints Commission and other supervisory bodies;
- You consenting to us doing so;
- Court order.

Who we share your personal information with

We may be required to share personal information with statutory or regulatory authorities and organisations to comply with statutory obligations. Such organisations include, for example-

- the Law Society of Scotland- in order to comply with regulations;
- the Scottish Legal Aid Board- to provide services for you;
- Business or Professional advisors- to enable us to take advice on your behalf;
- Financial organisations- to enable us to act on your behalf;
- Law Accountants- to enable us to obtain accounting services;
- Service Providers- to enable us to act on your behalf;
- Scottish Legal Complaints Commission- regulatory matters;
- Ombudsmen and Regulatory Authorities- regulatory matters;
- Credit Reference and Debt Collection agencies- to enable us to act on your behalf;
- Local and National Government- regulatory matters;
- Family Associates or other representatives- to enable us to process your instructions;
- DWP;
- HMRC;
- Advocates – to enable us to take advice.

Iain Smith & Partners, WS, employs third party suppliers to provide services, including IT, website management, legal software, payroll, accountancy, etc. These suppliers may process personal data on our behalf as "processors" and are subject to written contractual conditions to only process that personal data under our instructions and protect it.

In the event that we do share personal data with external third parties, we will only share such personal data strictly required for the specific purposes and take reasonable steps to ensure that recipients shall only process the disclosed personal data in accordance with those purposes.

How we protect your personal information

Your personal information is stored in papers and on our electronic filing system and our servers based in the UK / EU, and is accessed by our Partners and staff for the purposes set out above.

If we are required to transfer your personal information outwith the EU we will provide you with information regarding the safeguards that we have put in place with the recipient country to protect your personal information.

How long we keep your personal information

We keep our clients' personal data for the periods prescribed by the Law Society of Scotland, other regulators and our insurers even after we have ceased to act for you. The prescribed period varies

from transaction type and matter but is typically one of ten years. To ensure we comply with the prescribed period it is the policy of Iain Smith & Partners to retain all data for a period of at least ten years from the conclusion of the service provided.

We will ensure all staff with access to your information are aware of and are adhering to the duty of confidentiality under the Law Society of Scotland requirements for solicitors which we are all required to follow.

We comply with the Law Society of Scotland data retention policy that sets out the periods for retaining and reviewing all information that we hold. This sets out different retention periods and you can request a copy by contacting us at Iain Smith & Partners, Bank Chambers, Bank Close, Galashiels.

Your rights

You can exercise any of the following rights by writing to us at Iain Smith & Partners, WS, Bank Chambers, Bank Close, Galashiels.

Your rights in relation to your personal information are:

- you have a right to request access to the personal information that we hold about you by making a "subject access request";
- if you believe that any of your personal information is inaccurate or incomplete, you have a right to request that we correct or complete your personal information;
- you have a right to request that we restrict the processing of your personal information for specific purposes; and
- if you wish us to delete your personal information, you may request that we do so, although this may affect our ability to undertake work on your behalf;
- you may object to us processing your personal information in certain circumstances, but this may affect our ability to undertake work on your behalf;
- you have a right to obtain and use the personal information that we hold about you in certain circumstances.

Any requests received by Iain Smith & Partners will be considered under applicable data protection legislation. If you remain dissatisfied, you have a right to raise a complaint with the Information Commissioner's Office at www.ico.org.uk

Changes to this Privacy Notice

We may change this Privacy notice, for example if the requirements or law changes and all updates will be made available on our website www.iainsmith.co.uk